

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

| | | |
|-------------------------------|---|--------------------------|
| CYNTHIA BROCKMAN, LEGAL | § | |
| REPRESENTATIVE FOR THE ESTATE | | |
| OF CHRISTOPHER BROCKMAN, | § | CIVIL ACTION NO. 6:08CV6 |
| DECEASED | | |
| | § | |
| v. | | |
| | § | |
| TEXAS DEPARTMENT OF CRIMINAL | | |
| JUSTICE, ET AL. | | |

ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE

The [Report and Recommendation](#) of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this case has been presented for consideration. The Report and Recommendation recommends that Defendants' Motions to Dismiss (document [#31](#), [#32](#) and [#35](#)) be granted and that the complaint be dismissed with prejudice pursuant to Fed.R.Civ.P. 12(b)(6). Plaintiff filed [written objections](#) to the Report and Recommendation on August 20, 2009.


Having made a *de novo* review of the written objections filed by Plaintiff, the Court finds that the findings and conclusions of the Magistrate Judge are correct and the objections are without merit. Plaintiff does not assert any factual allegations in her written objections that state a claim that is not time-barred. The Court, therefore, adopts the findings and conclusions of the Magistrate Judge as those of the Court.

In light of the foregoing, it is

ORDERED that Defendants' Motions to Dismiss (document [#31](#), [#32](#) and [#35](#)) are **GRANTED** and the complaint is **DISMISSED** with prejudice pursuant to Fed.R.Civ.P. 12(b)(6).

Any motion not previously ruled on is **DENIED**.

SIGNED this 25th day of August, 2009.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE